

SECTION 10 - PLANNED UNIT DEVELOPMENT REGULATIONS

PURPOSE AND OBJECTIVES

The following regulations shall apply to land use and structures within a Planned Unit Development district which, when approved by the Planning Board and by the Board of County Commissioners, may differ in one or more respects from the regulations that are applicable in any of the other zoning districts, except Floodplain Districts, established herein. The objectives of a Planned Unit Development district shall be to promote progressive and flexible land development. Consideration will be given to the following:

1. A maximum choice of living environments by allowing a variety of housing and building types or permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements.
2. A more useful pattern of open space and recreation and more convenience in the location of accessory commercial uses and services.
3. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, important wildlife habitats, trees and other vegetation, other natural resources, and prevents the disruption of natural drainage patterns.
4. A more efficient use of land and the provision of services.
5. A development pattern in harmony with land use density, neighborhood character, transportation facilities, community facilities, and economic development potentials.
6. An environment which provides safe, clean, convenient and necessary residential, commercial, and industrial facilities, which will afford greater opportunities for better housing, recreation, shops and industrial plants for all citizens of Riley County.

STANDARDS AND CRITERIA

Established standards and criteria herein shall be used by the Planning Board and Board of County Commissioners in the determination of the approval or disapproval of preliminary proposals for planned unit development districts. A development plan which is judged to be consistent with these standards and criteria, or is revised as provided herein, shall be considered to be qualified for preliminary approval.

All planned unit development districts shall be consistent with the following requirements, policies and considerations:

1. The application for a planned unit development district shall be filed by the owner, or jointly by the owners of record of all land to be occupied by that district.
2. The planned unit development district shall be in general conformity with the Comprehensive Plan.
3. The planned unit development district will not have a substantially adverse effect on the neighboring area.
4. The planned unit development provides benefits and amenities that warrant any modification of the zoning regulations that would otherwise apply to the area.
5. The planned unit development provides design features and benefits that warrant any proposed modification of existing standards relating to public improvements, easements, rights-of-way and service utilities.
6. The proposed development plan contains proposed covenants, easements and other provisions relating to the size, location and density of residential buildings, non-residential uses and structures and public facilities as are necessary for the protection and welfare of the area.
7. The planned unit development provides for the location and arrangement of structures and other improvements such as parking areas, lighting, landscaping, which are compatible with the surrounding land use.
8. The planned unit development proposal provides a time schedule for the completion of the development as a whole, or in stages, which is consistent with the evidence presented with the proposal as to the financial and physical resources of the developer.
9. The proposed development plan contains provisions for the formation of an agency to own and maintain common use lands and facilities within the district.

PLANNED UNIT DEVELOPMENT DISTRICTS

The following Planned Unit Development districts are hereby established:

1. Residential Planned Unit Development (R-PUD)
2. Commercial Planned Unit Development (C-PUD)
3. Agri-Business Planned Unit Development (A-PUD)
4. Industrial Planned Unit Development (I-PUD)

PERMITTED USES

R-PUD:

- a. Attached, detached, grouped, single story, multi-story, single-family or multiple family dwellings or any combination thereof.
- b. Accessory buildings and uses.
- c. Religious, cultural, recreational and business uses which are designed and planned to serve the residents within the district.

C-PUD:

- a. Any use permitted in any Commercial or Industrial District as stated in Section 6 and 7 of these regulations. The C-PUD shall be used when over 50% of the building area is to be for commercial uses.
- b. Accessory buildings and uses.

A-PUD:

- a. Any land use that involves selling, processing, storing, servicing or fabricating goods or products or from the agricultural community including extraction of natural materials.
- b. Accessory buildings and uses.

I-PUD:

- a. Any use permitted in any Commercial or Industrial District as stated in Sections 6 and 7 of these regulations. The I-PUD shall be used when over 50% of the building area is to be for industrial uses.
- b. Accessory buildings and uses.

DENSITY REQUIREMENTS

Minimum Area for PUD zoning

All Zones: 1/2 acre

Minimum Lot Areas

All Zones: No minimum lot area except that the development shall meet all requirements of the Riley County - Manhattan Health Department Sanitary Code.

Maximum Lot Coverage:

All Zones: The ground area occupied by structures for principal uses and accessory uses for all zones shall not exceed 50% of the total ground area.

SETBACK REQUIREMENTS

All Zones: Minimum distance from any structure to the district boundary lines shall be 25 feet when the boundary abuts a public street and ten (10) feet otherwise. Any parcel abutting a major or minor trafficway shall be subject to the setback requirements specified in Section 16.

USE LIMITATIONS

All zones:

- a. Common open space and other common use facilities shall be consistent with the planned function and located within the district so as to be convenient, readily accessible and visually attractive to all of the intended common users.
- b. Provisions for the continuity, preservation, care, conservation and maintenance of all common open space and common use facilities shall be provided in the development plan in accordance with requirements within this Section 10.
- c. Common use recreational facilities such as playgrounds and swimming pools shall be of a size adequate to serve the population for which they are intended. Such adequacy shall be determined in accordance with some nationally recognized standard which shall be referred to within the development plan.
- d. Off-street parking and loading areas shall be provided for all uses within the district in accordance with the requirements of Section 14 of these regulations.

- e. The development timeschedule shall include provisions for:

Completion of streets, drives, walks and minimum parking and loading facilities coincident with the completion of structures requiring such facilities.

Completion of the landscaping and planting of common use and private areas coincident with the completion of structures adjacent to those areas.

Completion of common use recreational facilities, of at least 80% of their required proportional amount, coincident with the completion of residential structures creating the need for such facilities.

The completion of at least 30% of the residential structures to be served by a business use before such business begins operations.

- f. A development plan may provide for completion of facilities in stages, and in such case, the plan shall specifically state areas included in and the timeschedule for such stages.
- g. When a non-residential district abuts an existing residential use or an area zoned for residential use, screenings shall be provided to assure year-round privacy to the residential use and greater setback requirements shall be considered.

PROCEDURE FOR PLANNED UNIT DEVELOPMENT DISTRICTS

1. PRELIMINARY DEVELOPMENT PLAN:

- a. A landowner seeking the establishment of any Planned Unit Development District shall submit to the Planning Board and Board of County Commissioners a Preliminary Development Plan. The application for approval of the Preliminary Development Plan shall also constitute the filing of an application for the establishment of a Planned Unit Development District in the same manner as prescribed herein for the establishment of any zoning district. Three copies of the Preliminary Development Plan shall be submitted to the Planning Department at least 14 days prior to the hearing.

- b. The Preliminary Development Plans shall include the following:

(1) A general vicinity map showing the location of the site.

(2) A site plan showing:

- (a) The boundaries, dimensions and size of the site at an appropriate scale clearly indicated on the plan;
- (b) An accurate and verifiable written legal description of the property;

- (c) Clearly indicated directional arrows;
 - (d) The present and proposed topography of the area by contour lines at an appropriate interval;
 - (e) The use, approximate size and location of all existing and proposed structures;
 - (f) Prominent topographic and existing natural features and drainage courses;
 - (g) The proposed flow of storm drainage from the site by use of directional arrows;
 - (h) The location, size and ownership of any lots, easements or rights-of-way for public streets and utilities, common open spaces and facilities, parking areas, drives and streets;
 - (i) The location and size of any sanitary sewer or storm water drainage systems;
 - (j) The location and size of any existing or proposed signs and landscaping.
 - (k) Any portions of the site located in a designated or calculated 100-year floodplain.
- (3) A complete and specific list of all uses to be permitted within the district. Uses not specifically listed on the plan shall not be permitted except by amendment of the plan.
 - (4) Sketches of and preliminary calculations for the sizing of any common use facilities, sanitary sewers or storm water drainage systems.
 - (5) A statement of the nature of the landowner's interest in the land to be developed in sufficient detail to determine whether the applicant has sufficient control over the tract to effectuate the proposed plan.
 - (6) In the case where a Planned Unit Development calls for construction in units over a period of years, a schedule showing the proposed time and sequence within which the applications for final approval of all sections of the Planned Unit Development are intended to be filed shall be submitted. A written statement by the applicant shall also be submitted setting forth the reasons why, in his opinion, a Planned Unit Development would be in the public interest and would be consistent with the stated objectives of the County with regard to Planned Unit Development districts.
 - (7) The Preliminary Development Plan shall also include a statement as to the form of agency proposed to own and maintain the common use open spaces and facilities, streets and parking areas shown as a part of the plan. The statement shall further

include the acknowledgement of and agreement to the following conditions which shall be put into effect concerning common use open spaces and facilities.

The agency owning and maintaining the common lands and facilities shall not be dissolved or permitted to dispose of any of the common lands and facilities without first offering to dedicate the same to the County or some other government agency.

The agency owning and maintaining the common lands and facilities shall provide care and management to prevent the loss of taxable value and avoid the creation of a public nuisance within the district.

In the event of failure of that agency to fulfill its duties, the County shall have the right to serve notice on the agency demanding that specified deficiencies be remedied within a specified time and upon failure of the agency to act upon the matters as specified, the County shall have the right to enter upon the property and repair the specified deficiencies; the cost of same being assessed against the properties within the district and becoming a tax lien on those properties.

- (10) The Preliminary Development Plan shall clearly define areas proposed to be restricted as to the use of land, buildings and structures and shall include a statement of substance of covenants proposed for such restrictions. The statements shall define the provisions of the plan which will be included in covenants running in favor of residents and owners within the district.
- (11) The Preliminary Development Plan shall clearly define areas proposed to be dedicated for public use and subdivision lines proposed to be platted. When platting is required, the Preliminary Development Plan shall be submitted together or combined with a preliminary or short form plat in accordance with the subdivision regulations.
- (12) A description, rendering or drawing of the general visual characteristics of the proposed buildings.

2. ACTION BY THE COUNTY:

- a. The Planning Board, upon receipt of the application for the establishment of a Planned Unit Development District, shall review the preliminary development plan with respect to the applicable standards and criteria herein and shall conduct a public hearing and further considerations and deliberations in the manner prescribed in Section 22 herein for the establishment of any zoning district. The Planning Board shall report its finding to the Board of County Commissioners and shall recommend that the application be approved or denied, or accepted with stated qualifications, amendments or conditions.
- b. The Board of County Commissioners shall consider and act upon the application in the manner prescribed in Section 22 herein for the establishment of any zoning district. The Commissioners may approve or deny the application based upon the Preliminary Development Plan as recommended by the Planning Board. The Commissioners may tentatively approve the application with minor modifications or conditions from the Preliminary Development Plan subject to the acceptance of such modifications or conditions by the owner. In the latter case the owner shall be notified of the nature of the modifications or conditions and the owner may then accept same and change the preliminary development plan accordingly; or the owner may reject same and the application shall be denied by the Commissioners. If there are major changes from the Preliminary Development Plan, the Commissioners may not approve an application without first returning the Preliminary Development Plan to the Planning Board for consideration of the proposed modifications or conditions. Once recognized by the Planning Board, the Commissioners may approve the application with such modifications and conditions as they deem appropriate and as may be acceptable to the owner. In the case of approval of the application by the Commissioners as recommended by the Planning Board, a resolution shall be passed establishing a planned unit development district; including a finding that the planned unit development is in general conformity with the comprehensive plan and will not have a substantially adverse effect on the neighboring area.

3. ACTION BY THE OWNER:

- a. Upon approval of the application and the establishment of the planned unit development district by the Board of County Commissioners, the owner shall, within seven days after notification of such approval, file a statement with the County Register of Deeds containing all of the following:

The legal description of the Planned Unit Development District.

A statement that the Planned Unit Development District has been established and that the preliminary development plan is on file with the County Zoning Officer.

A statements specifying the nature of the plan, the proposed density or intensity of land uses, and the uses permitted and other pertinent information sufficient to notify any prospective purchasers or users of the land of the existence of such a plan and binding successors and assign to the plan.

4. FINAL DEVELOPMENT PLAN:

- a. Before the issuance of a building permit, the recording of a plat, or any development commences, the owner shall submit to the Planning Board, a final development plan. Such plan may be for all or any phases of the Planned Unit Development District and shall include all of the following:
 - (1) A detailed site plan showing the layout and design of all physical improvements as they will be constructed.
 - (2) A final plat, if required.
 - (3) Detailed landscaping plans, if applicable.
 - (4) Copies of easements and covenants.
 - (5) Proof of establishment of an agency for the management and maintenance of common use lands and facilities and copies of applicable by-laws or other regulations.
 - (6) Proof of ownership of the district and proof that no land within the district has been leased or conveyed prior to the recording of any restrictive covenants applicable to the area.
 - (7) Any other documents or statements which may be necessary to provide and prove compliance with any requirement or condition of the approved preliminary development plan.
- b. The Planning Board shall review the final development plan for conformity to any and all parts of the approved preliminary development plan. The final plan shall be deemed to be in substantial compliance with the preliminary plan if the final plan:
 - (1) Does not vary the proposed gross residential density or intensity of use by more than 5% or involve a reduction in the area set aside for common open space, nor the substantial relocation of such;
 - (2) Does not increase by more than 10% the floor area proposed for non-residential use;

- (3) Does not increase by more than 5% the total ground area covered by buildings nor involve a substantial change in the height of buildings.
 - (4) Retain the visual and spatial qualities of the Preliminary Plan.
- c. The Planning Board is not required to hold a public hearing in the process of evaluating final development plans which contain variances from the approved preliminary plan provided that the final plan meets the above standards for substantial compliance and/or the variances are concerned with the location and design of streets, drainageways and utilities. However, the Planning Board may require the owner to show good cause for any variations contained in the final plan and if, in the Board's opinion, the variations are not in the public interest, the Board may require the owner to make satisfactory revisions to the final plan as a condition for the granting of approval.
 - d. The final development plan, which contains no variations from the approved preliminary development plan or is in substantial compliance with the preliminary plan and variations contained therein are satisfactory to the Planning Board, shall be approved by the Planning Board within 45 days of the submitting of the final development plan.
 - e. A final development plan which is not in substantial compliance with the preliminary development plan or contains changes which are judged by the Planning Board to be not in the public interest, shall not be approved by the Planning Board and the owner shall be requested to meet with the Board to discuss remedies for the changes therein. If the owner does not agree to the remedies suggested by the Planning Board or otherwise declines to revise the plan as submitted, the Planning Board may, within 45 days of the original submission of the final development plan, deny approval of the plan and return it to the owner with a written statement setting forth the reasons why one or more variances are not in the public interest.
 - f. Following the denial of a final development plan by the Planning Board, the owner may choose to revise the plan in accordance with the recommendations of the Planning Board and resubmit it for approval or may, within 45 days of receipt of notice of denial, choose to appeal the decision of the Planning Board to the Board of County Commissioners.
 - g. After approval of a final development plan, the owner shall forthwith record all covenants, easements, rights-of-way, plat, by-laws or regulations pertaining to a management and maintenance agency, or any other documents that are a part of the final development plan. Following completion of all requirements of the final development plan, the owner may apply for and the Zoning Officer shall issue building permits; provided that all parts of the application for such permit is in full accord with the final development plan.

5. ABANDONMENT OR FAILURE TO PROCEED:

- a. If the owner chooses to abandon an approved preliminary development plan or an approved final development plan, he shall so notify the Planning Board and Board of County Commissioners in writing. Upon receipt of such notice of abandonment by the owner, the Planning Board shall forthwith undertake proceedings to rezone the planned unit development area back to the zoning district classification which existed just prior to the application for Planned Unit Development District. The owner may, however, include with his letter stating the abandonment of the planned unit development, an application for rezoning to some other zoning district classification and the Planning Board shall forthwith proceed to consider that application in the same manner as for any application for rezoning.
- b. If the owner fails to submit a final development plan to the Planning Board within 1 year of the approval date of the preliminary development plan; or fails to substantially commence the construction contained in the final development plan within 18 months of the approval date of the final development plan; and has not applied for an extension to the above time limits from the Planning Board, the Planning Board shall revoke its approval of the preliminary plan or final plan and shall so notify the owner in writing. If within 30 days of receipt of the notice of such revocation, the owner does not present to the Planning Board, an application for reinstatement of the preliminary development plan or final development plan, the Planning Board shall consider that the plan has been abandoned by the owner and proceed with the action prescribed in paragraph a. above.